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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 03-00108 WHA  
11 )  
Plaintiff, )  
12 )  
v. )  
13 )  
JOSE GABINO PUENTES, )  
14 )  
Defendant. )  
15 )  
16 )

17 STIPULATION

18 The undersigned parties stipulate as follows:

- 19 1. At the hearing before this Court on July 10, 2007, the Court set the sentencing date for  
20 Mr. Puentes' supervised release violation in this matter for July 31, 2007 at 2:00 p.m.  
21 The Court ordered the defense to file its memorandum on July 17, 2007, and the  
22 government to file its memorandum on July 24, 2007. The Court stated that the defense  
23 could file a reply to the government's memorandum, but did not specify a filing date.  
24 2. The defense requests that the sentencing be continued to the Court's next available  
25 calendar, August 14, 2007, for the following reasons: The defense cannot yet file its  
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memorandum because undersigned counsel needs additional time to gather information that it believes is relevant to the sentencing. On July 17, 2007, undersigned defense counsel visited Mr. Puentes in custody, and attempted to obtain documentation from Mr. Puentes relating to the state sentence on the misdemeanor conviction that forms the basis for more than one of the supervised release violations. The Glen Dyer deputy would not allow Mr. Puentes to give undersigned counsel the documents, so the defense will attempt to obtain them by sending Mr. Puentes a self-addressed stamped envelope. The defense also wishes to speak to additional family members on matters relevant to sentencing, and to speak to Mr. Puentes again after those interviews have been completed. That process has been delayed for reasons outside of defense counsel's control. As the Court will recall, the defense is requesting a time-served sentence, so it is only very reluctantly that the defense requests this delay.

3. In light of the representations by defense counsel in paragraph two, the government does not object to the continuance of the sentencing date.

4. The parties suggest the following briefing schedule to the Court. The defense will file its memorandum on July 27, 2007, the government will file its memorandum on August 7, 2007, and the defense will file any reply by August 10, 2007 or any other date set by the Court.

IT IS SO STIPULATED

Date: July 18, 2007

/S/  
SHAWN HALBERT  
Assistant Federal Public Defender


Date: July 19, 2007

/S/  
ROBIN HARRIS  
Assistant United States Attorney

ORDER

For GOOD CAUSE SHOWN, it is hereby ORDERED that the sentencing of Jose Puentes, previously set by this Court for July 31, 2007 at 2:00 p.m., shall be continued to August 14, 2007 at 2:00 p.m. IT IS FURTHER ORDERED THAT the defense will file its memorandum on July 27, 2007, the government will file its memorandum on August 7, 2007, and the defense will file any reply by August 10, 2007.

Date: July 22, 2007

  
THE HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE